

**Introduced by Senator Ashburn**

February 18, 2005

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An act to amend Sections 1596.66 and 1596.67 of the Health and Safety Code, and to amend Section 11324 of the Welfare and Institutions Code, relating to child care providers.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 539, as introduced, Ashburn. Child day care: CalWORKs child care program.

Under existing law the Child Care and Development Services Act provides a comprehensive, coordinated, and cost-effective system of providing developmentally appropriate activities for children, parenting education, and parent involvement.

Existing law authorizes funds appropriated for the purposes of the Child Care and Development Services Act to be used for alternative payment programs to provide payment to child care facilities with subsidized children in prescribed circumstances.

Existing law prohibits a person, firm, partnership, association, or corporation from operating, establishing, managing, conducting, or maintaining a child day care facility in this state without a current valid license. Existing law exempts certain registered trustline child care providers, as defined, from those licensing requirements.

Existing law provides programs for state-subsidized child care programs such as alternative payment programs and child care for recipients of benefits under the California Work Opportunity and Responsibility to Kids (CalWORKs) program.

Existing law requires a child care provider receiving payment for child care services under the CalWORKs program or is receiving payment from funds under the Alternative Payment Program to be registered as a trustline provider, unless the provider is exempted from

registration due to being the grandparent, aunt, or uncle of the child in care.

Existing law authorizes a county welfare department, to the extent permitted by federal law, to deny payment or cause the contractor to deny payment for child care services that are exempt from licensure if the provider has been convicted of a violent felony, as defined, or child abuse.

This bill would specify that payment to a child care provider shall not commence until the State Department of Social Services confirms that the child care provider is a registered child care trustline provider or is exempted from trustline registration, and would revise the scope of circumstances that would require that the payment shall immediately cease.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1596.66 of the Health and Safety Code  
2 is amended to read:

3 1596.66. (a) Each license-exempt child care provider, as  
4 defined pursuant to Section 1596.60, who is compensated, in  
5 whole or in part, with funds provided pursuant to the Alternative  
6 Payment Program, Article 3 (commencing with Section 8220) of  
7 Chapter 2 of Part 6 of the Education Code or pursuant to the  
8 federal Child Care and Development Block Grant Program,  
9 except a provider who is, by marriage, blood, or court decree, the  
10 grandparent, aunt, or uncle of the child in care, shall be registered  
11 pursuant to Sections 1596.603 and 1596.605 in order to be  
12 eligible to receive this compensation. Registration under this  
13 chapter shall be required for providers who receive funds under  
14 Section 9858 and following of Title 42 of the United States Code  
15 only to the extent permitted by that law and the regulations  
16 adopted pursuant thereto. Registration under this chapter shall be  
17 required for providers who receive funds under the federal Child  
18 Care and Development Block Grant Program only to the extent  
19 permitted by that program and the regulations adopted pursuant  
20 thereto.

21 (b) For the purposes of registration of the providers identified  
22 in subdivision (a), the following procedures shall apply:

(1) Notwithstanding subdivision (a) of Section 1596.603, the provider shall submit the fingerprints and trustline application to the local child care resource and referral agency established pursuant to Article 2 (commencing with Section 8210) of Chapter 2 of Part 6 of the Education Code. The local child care resource and referral agency shall transmit the fingerprints and completed trustline applications to the department and address any local problems that occur in the registration system. If a fee is charged by the local child care resource and referral agency that takes a provider's fingerprints, the provider shall be reimbursed for this charge by the State Department of Education, through the local child care resource and referral agency, from federal Child Care and Development Block Grant funds to the extent that those funds are available.

(2) The department shall adhere to the requirements of Sections 1596.603, 1596.605, 1596.606, and 1596.607 and shall notify the California Child Care Resource and Referral Network of any action it takes pursuant to Sections 1596.605, 1596.606, and 1596.607.

(3) The California Child Care Resource and Referral Network shall notify the applicable local child care resource and referral agencies, alternative payment programs, and county welfare departments of the status of the trustline applicants and registered trustline child care providers. The network shall maintain a toll-free telephone line to provide information to the local resource and referral agencies, the alternative payment programs, and the child care recipients of the status of providers.

~~(c) This~~ (1) *Payment provided pursuant to subdivision (a) shall not commence until the department confirms that the child care provider is a registered trustline child care provider, as defined in Section 1596.605 or is exempted from trustline registration, and may not be used to compensate a child care provider for any period during which the child care provider is not a registered trustline provider, unless the provider is exempted from trustline registration.*

(2) *Once payment provided pursuant to subdivision (a) has commenced, the payment shall cease immediately if either of the following applies:*

(A) *The provider is discovered to have been convicted of a crime for which the department has not granted a criminal*

1 *record exemption pursuant to subdivision (f) of Section*  
2 *1596.871.*

3 *(B) The provider's trustline registration is revoked.*

4 *(d) This section shall become operative only if funds*  
5 *appropriated for the purposes of this article from Item*  
6 *6110-196-890 of Section 2 of the Budget Act of 1991 are*  
7 *incorporated into and approved as part of the state plan that is*  
8 *required pursuant to Section 658(E)(a) of the federal Child Care*  
9 *Block Grant Act of 1990 (Sec. 5082, P.L. 101-508).*

10 SEC. 2. Section 1596.67 of the Health and Safety Code is  
11 amended to read:

12 1596.67. (a) To the extent permitted by federal law, each  
13 child care provider, as defined by Section 1596.60, who receives  
14 compensation, in whole or in part, under Stage 1 of the  
15 CalWORKs Child Care Program pursuant to Article 15.5  
16 (commencing with Section 8350) of Chapter 2 of Part 6 of the  
17 Education Code, for providing child care for a recipient or former  
18 recipient, except a provider who is, by marriage, blood, or court  
19 decree, the grandparent, aunt, or uncle of the child in care, shall  
20 be registered pursuant to Sections 1596.603 and 1596.605 in  
21 order to be eligible to receive this compensation. Active trustline  
22 registration is required for providers who receive compensation  
23 under Stage 1 of the CalWORKs Child Care Program pursuant to  
24 Article 15.5 (commencing with Section 8350) of Chapter 2 of  
25 Part 6 of the Education Code, for providing child care for a  
26 recipient or former recipient only to the extent permitted by that  
27 law and the regulations adopted pursuant thereto. This section  
28 applies only to a license-exempt child care provider, as defined  
29 by Section 1596.60, who registers for payment under Stage 1 of  
30 the CalWORKs Child Care Program pursuant to Article 15.5  
31 (commencing with Section 8350) of Chapter 2 of Part 6 of the  
32 Education Code, for providing child care for a recipient or former  
33 recipient after the implementation of the trustline registration  
34 system in those programs. A provider, as defined by Section  
35 1596.60, who was exempted from trustline registration because  
36 the provider was not compensated, in whole or in part, with funds  
37 provided under Stage 1 of the CalWORKs Child Care Program  
38 pursuant to Article 15.5 (commencing with Section 8350) of  
39 Chapter 2 of Part 6 of the Education Code, for providing child  
40 care for a recipient or former recipient shall be registered, at no

1 cost to the provider, pursuant to Sections 1596.603 and 1596.605  
2 when either of the following occur:

3 (1) The provider begins to provide child care to an eligible  
4 family for which he or she has not provided care.

5 (2) The provider begins to provide child care to an eligible  
6 family subsequent to a lapse in providing care that is  
7 compensated under Stage 1 of the CalWORKs Child Care  
8 Program pursuant to Article 15.5 (commencing with Section  
9 8350) of Chapter 2 of Part 6 of the Education Code, for providing  
10 child care for a recipient or former recipient.

11 (b) (1) Payment provided pursuant to subdivision (a) shall *not*  
12 *commence until the department confirms that the child care*  
13 *provider is a registered trustline child care provider, as defined*  
14 *in Section 1596.605 or is exempted from trustline registration,*  
15 *and may not be used to compensate a child care provider for any*  
16 *period during which the child care provider is not a registered*  
17 *trustline provider, unless the provider is exempted from trustline*  
18 *registration.*

19 (2) *Once payment provided pursuant to subdivision (a)*  
20 *commences, payment shall immediately cease if the either of the*  
21 *following applies:*

22 (A) *The provider has a criminal conviction for which the*  
23 *department has not granted a criminal record exemption pursuant*  
24 *to subdivision (f) of Section 1596.871.*

25 (B) *The provider's trustline registration is revoked.*

26 (c) Subdivision (a) shall not be implemented unless funding  
27 for trustline registration is appropriated to the department for this  
28 purpose in the annual Budget Act or in other legislation. The  
29 department shall enter into a contract with the California Child  
30 Care Resource and Referral Network to administer the trustline  
31 as it relates to providers who are compensated under Stage 1 of  
32 the CalWORKs Child Care Program pursuant to Article 15.5  
33 (commencing with Section 8350) of Chapter 2 of Part 6 of the  
34 Education Code, for providing child care for a recipient or former  
35 recipient.

36 SEC. 3. Section 11324 of the Welfare and Institutions Code is  
37 amended to read:

38 11324. (a) If the county welfare department or a contractor  
39 pays for child care services which are exempt from licensure, all  
40 of the following information about the caregiver shall be on file

1 with the county welfare department or the contractor and shall be  
2 made available to the participant:

3 (1) The name and address of the care provider.

4 (2) The address where care is to be provided.

5 (3) The hours care is to be provided and the charge for this  
6 care.

7 (4) The names, addresses, and telephone numbers of two  
8 character references.

9 (5) A copy of a valid California driver's license or other  
10 identification to establish that the caregiver is at least 18 years  
11 old.

12 (6) A statement from the caregiver as to his or her health  
13 education, experience or other qualification, criminal record, and  
14 names and ages of other persons in the home or providing care.

15 (b) The county welfare department or the contractor shall use  
16 existing child care licensing or CalWORKs program procedures  
17 in meeting the requirements of subdivision (a).

18 (c) To the extent permitted by federal law, the county welfare  
19 department shall deny payment, or cause the contractor to deny  
20 payment, for child care services which are exempt from licensure  
21 if either of the following apply:

22 (1) *The provider is not a registered trustline child care*  
23 *provider, as defined in Section 1596.605 of the Health and Safety*  
24 *Code, or is exempted from trustline registration.*

25 (2) *The provider has been convicted of a violent felony, as*  
26 *defined in subdivision (c) of Section 667.5 of the Penal Code.*

27 ~~(2)~~

28 (3) The provider has been convicted of child abuse.

29 (d) If the child care provider selected by the participant is  
30 denied payment, the participant may have good cause for not  
31 participating as specified in paragraph (3) of subdivision (f) of  
32 Section 11320.3.